

### **REMARKS**

In this Amendment, Applicant has amended Claim 3 and added Claims 9 – 11 to overcome the rejections by specifying the embodiments of the present invention. The support for the amendments to the claims can be found throughout the specification. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

#### **REJECTIONS UNDER 35 U.S.C. § 103:**

Claims 3 and 7 – 8 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Kurano (JP 2002-050364) in view of Maruyama et al. (US 6,510,435) and Kuroki (US Pat Pub. No. 2003/0104262).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over cited references. The present invention as defined in Claim 3 has the structure that notches or through-holes are formed in the area where the gasket is formed on the plate, and concave portions are formed on the separator at the locations corresponding to the notches or the through-holes, thereby a portion for fixing the plate to the separator is formed on the gasket. Further, Claim 3 has been amended to positively recite the limitation of integrally molded gasket by deleting “when.” In addition, new Claims 9 – 10 have been added to define embodiments (1) where convex portion protruded from the through holes engages with the concave portions (previously Claim 4, see Figs. 5D and 6D), and (2) where the through hole is in the middle of the plate member (see Figs. 8 – 9) .

Applicant respectfully submits that the cited references do not disclose the feature that “part of the elastic material also fills the concave portions.” (see Figs. 3D, 4D and 5D). Even if Kurano, Maruyama and Kuroki are combined, they do not teach the feature of the present invention.

It is respectfully submitted that Kuroki discloses the structure for strengthening the bonding power between the gasket and the separator, but not to strengthen the bonding power between the separator and the other member than the gasket. On the contrary, the present invention is characterized in that it not only strengthens the bonding power of the gasket itself to the separator, but also strengthens the bonding power between the separator and the plate member which is another member from the gasket itself.

With Kuroki, in order to strengthen the bonding power of the gasket to the separator, a through-hole is provided in the separator, thereby the gasket on one side of the separator and another gasket on the other side of the separator are formed integrally through the through-hole. However, in the present invention, the through-hole provided in the plate member is not to integrally form the gasket with another gasket on the opposite side of the separator. With the present invention, the through-hole is filled with the gasket, thereby the gasket and the plate member are formed integrally to strengthen the bonding power between them, and the bonding power between the plate member and the separator is further strengthened, because a part of the gasket fills the concave portion of the separator through the through-hole. Namely, with the present invention, the bonding power of integrally formed three (3) members of the gasket, separator and plate member is strengthened. On the other hand, with Kuroki, it is confined to strengthen the bonding power of only two (2) integrally formed members of gasket and separator.

Applicant respectfully submits that the structure arrived by using Kuroki as the basic structure and applying the contents as taught in Kuroki to such basic structure, would be confined to the structure where the through-hole is provided in the separator to strengthen the bonding power between the gasket and the separator. It is not understood where in Kuroki or any other references is it suggested or taught not only to strengthen the bonding power of the gasket itself to the separator, but also to strengthen the bonding power between the gasket and the separator of the plate member and also strengthen the bonding power between the gasket and plate member by providing the through-hole in the plate member and providing a concave in the separator. Even if Kurano, Maruyama

and Kuroki are combined, they do not teach these features of the present invention. In addition, as pointed out above, none of the references taught or disclosed the feature that "part of the elastic material also fills the concave portions."

Thus, the structures disclosed in the cited references are quite different from that of the present invention. Because a prima facie case of obviousness has not been established, Examiner's rejection based on cited references constitutes a jump in logic and impermissible hindsight.

Therefore, the newly presented claims are not obvious over cited references and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

REQUEST FOR INTERVIEW:

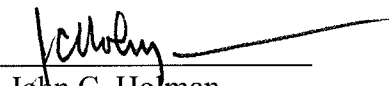
Applicant respectfully requests for a telephone interview, if the Examiner believes that the present response will not put the application in condition for allowance.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: June 30, 2010  
(202) 638-6666  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
Atty. Dkt. No.: P71246US0

By   
John C. Holman  
Registration No. 22,769